

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TIMMY HOWARD DICKEY,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-15-685-M
)	
ROBERT PATTON, Director,)	
Oklahoma Department of Corrections and)	
THE STATE OF OKLAHOMA,)	
)	
Respondents.)	

ORDER

On September 28, 2015, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this action, seeking a writ of habeas corpus pursuant to either 28 U.S.C. § 2241 or 28 U.S.C. § 2254, or in the alternative, a writ of audita querela or writ of coram nobis. The Magistrate Judge recommended that respondents' motion to dismiss be granted and that petitioner's alternate requests for relief be denied. Petitioner was advised of his right to object to the Report and Recommendation by October 19, 2015. On October 19, 2015, petitioner filed his objection.

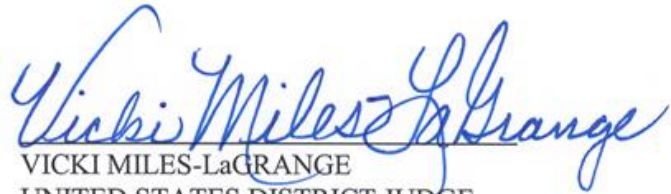
Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 10] issued by the Magistrate Judge on September 28, 2015;
- (2) GRANTS Respondents' Motion to Dismiss Petition and Brief in Support of Motion to Dismiss Petition as Petitioner is No Longer in Custody Upon His Conviction [docket no. 8];
- (3) DISMISSES petitioner's Petition for Writ of Habeas Corpus By a Person in State Custody Pursuant to 28 U.S.C. § 2254; or, in the alternative, Habeas

Relief Pursuant to 28 U.S.C. § 2241; or a Writ of Audita Querela or Coram Nobis [docket no. 1]; and

(4) DISMISSES this action for lack of jurisdiction.

IT IS SO ORDERED this 10th day of December, 2015.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE